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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,421	02/05/2002	Mei Chuah	426882005100	2981

35452 7590 11/03/2003

ACCENTURE C/O MORRISON & FOERSTER
755 PAGE MILL ROAD
PALO ALTO, CA 94304

EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,421

Applicant(s)

CHUAH

Examiner

Fe/ten

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/5/2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 46 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

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4 1. Receipt of the amendment filed August 24, 2003 including remarks with regard to the
5 Office Action mailed April 28, 2003 is acknowledged.
6

Correction of Error

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9 2. Applicant's has noted incorrect claim language in a limitation used to reject several
10 claims, particularly, wherein claim 1 does not recite *linear* portions. The examiner corrects
11 this error in the transcription of this limitation in by deleting the phrase *linear* portions and
12 substituting --portions (or linear portions)--.
13

Response to Arguments

14
15

16 3. Applicant's arguments filed August 24, 2003 have been fully considered but
17 they are not persuasive.

18 The applicant has maintained that the examiner has not presented any evidence to
19 support the statement that an artisan "would have considered various method to spatically
20 represent and communicate various financial information" and that the examiner has not
21 provided a motivation to combine, that Marshall is devoid of any motivation or suggestion to

1 make the proposed combination and that Hartori teaches away from making the proposed
2 combination.

3 The examiner maintains the 35 USC § 103(a) rejection(s) using Marshall in view of
4 Hatori for at least the following reasons:

5
6 (1) *The test for combining references under 35 USC § 103(a) is what the combination of*
7 *disclosure taken as a whole would suggest to one of ordinary skill in the art:*

8 The examiner respectfully draws applicant's attention to see In re Keller, 642 F. 2d
9 413, 208 USPQ 871 (CCPA 1981); and In re McLaughlin, 443 F. 2d 1392, 170 US PQ 209
10 (CCPA 1971).

11 In response to applicant's argument that there is no motivation to combine the
12 references, the examiner recognizes references cannot be arbitrarily or combined "willy nilly"
13 and that there must be some reason why one skill in the art would be motivated to make the
14 proposed combination of Hatori and Marshall [see In re Nomija, 184 USPQ 607 (CCPA
15 1975)]. However, there is no requirement that a motivation to make the modification be
16 expressly articulated. Again, the test for combining references is what the combination of
17 disclosures taken as a whole would suggest to one of ordinary skill in the art In re
18 McLaughlin, 443 F. 2d 1392, 170 US PQ 209 (CCPA 1971).

19
20 (2) As to the assertion that the examiner has not presented any evidence to support the
21 statement that an artisan "...*would have considered various methods to spatially represent and*
22 *communicate various financial information...*", the examiner asks the applicant to read the
23 following passage in Marshall:

1
2
3
4 "...a virtual reality world has the advantage of presenting a very large amount of information in pictorial form.
5 People can comprehend interactions and interrelationships between information when it is represented visually. Thus
6 an experience virtual reality user can easily see, comprehend and remember complex interrelationships between items
7 of information and using visual cues take advantage of natural perceptual process of the human mind that processes
8 visual information. This is particularly important for money managers and financial analysts who daily use large
9 volumes of financial information from various sources." (see Marshall col. 4, ll. 16-27).

10
11 Marshall discloses that there are several advantages of presenting very large amounts
12 of information in pictorial form. Marshall discloses the fact that the ability to see, comprehend
13 and remember complex relationships between items of information and using visual cues take
14 advantage of natural perceptual process of the human mind that processes visual information.
15 Marshal also communicates that using visual information is important for money managers and
16 financial analysis.

17 Hatori discloses a process of displaying image icons representing image data on a
18 screen on a spiral time axis (see Hatori, figs. 4 and 9, col. 2, ll. 31-63; and col. 5, ll. 16+).
19 An artisan at the time of the invention would have considered various methods to spatially
20 represent and communicate various financial information because an artisan would have
21 recognized the advantages of presenting very large amounts of information in pictorial form-
22 those advantages being a greater (if not more convenient) ability to see, comprehend and
23 remember complex relationships between items of (financial) information as well a greater
24 sense of the passage of time to obtain a visual perception of informational progress and change.

1 (3) *Marshall and Hatori references provide solutions to the same problem encountered*
2 *by applicant's invention and known to one of ordinary skill in the art:*

3 Marshall and Hatori provides schemes and tools that address the financial information
4 overload problem faced by the venture capitalists on page 1 of applicant's specification and
5 achieves the same goals of pictorial presentation of information to the user over time. For this
6 reason, Marshal and Hatori are considered within the field of the applicant's endeavor.

7 Attention is also directed to Geo. J. Meyer Mfg. Co. v. San Marino Elec. Corp., 422 F.2d
8 1285, 1288-89 (9th Cir. 1970). In this case the art of tracking stars and missiles was held to be
9 analogous to the art of inspecting bottles for foreign objects, on the grounds that both were
10 concerned with detecting an object having distinct light or dark characteristics in a background
11 of different light of dark characteristics.

12
13 Thus for the reasons advanced above, all rejections using Marshall in view of Hatori
14 are maintained by the examiner.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday. Any inquiry of a general nature relating to the status of this application or its proceedings should be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor **Vincent Millin** whose telephone number is (703) 308-1065.

6. Response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

1
2 for formal communications intended for entry, or (703) 305-0040, for informal or draft
3 communications, please label "Proposed" or "Draft".

4 Communications via Internet e-mail regarding this application, other than those under 35
5 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
6 addressed to [*daniel.felten@uspto.gov*].

7 All Internet e-mail communications will be made of record in the application file. PTO
8 employees do not engage in Internet communications where there exists a possibility that
9 sensitive information could be identified or exchanged unless the record includes a properly
10 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
11 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
12 Trademark on February 25, 1997 at 1 195 OG 89.

13
14 

15 DSF

16 October 30, 2003



VINCENT MILLIN
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